

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No.143717) (*pro hac vice*)
John A. Morris (NY Bar No. 2405397) (*pro hac vice*)
Gregory V. Demo (NY Bar No. 5371992) (*pro hac vice*)
Hayley R. Winograd (NY Bar No. 5612569) (*pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760

HAYWARD PLLC
Melissa S. Hayward (Texas Bar No. 24044908)
Zachery Z. Annable (Texas Bar No. 24053075)
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110

Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

ACIS CAPITAL MANAGEMENT, L.P., ACIS CAPITAL MANAGEMENT GP, LLC,

Debtors.

§ Chapter 11
§ Case No. 18-30264-sgj11
§ Case No. 18-30265-sgj11
§ (Jointly Administered Under Case No. 18-
§ 30264-sgj11)

ACIS CAPITAL MANAGEMENT, LP., ACIS CAPITAL MANAGEMENT GP, LLC, Reorganized Debtors,

Plaintiff,

Adversary Proceeding No. 20-03060-sgj

vs.

JAMES DONDERO, FRANK WATERHOUSE, SCOTT ELLINGTON, HUNTER COVITZ, ISAAC LEVENTON, JEAN PAUL SEVILLA, THOMAS SURGENT, GRANT SCOTT, HEATHER BESTWICK, WILLIAM SCOTT, AND CLO HOLDCO, LTD..

Defendants.

卷之三

HIGHLAND CAPITAL MANAGEMENT, L.P.'S RESPONSE TO ACIS' MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

Highland Capital Management, L.P. (“Highland”) respectfully submits this response in objection (the “Response”) to *Acis’ Motion to Compel Compliance with Subpoena* [Docket No. 89] (the “Motion”)¹ filed in the above-referenced adversary proceeding (the “Adversary Proceeding”). Highland fully incorporates by reference its contemporaneously filed *Memorandum of Law in Support of Its Objection to Acis’ Motion to Compel Compliance with Subpoena* (the “Brief”) in opposition to the Motion and would show unto the Court as follows:

RELIEF REQUESTED

1. By this Response, Highland respectfully requests that the Court enter an order denying the Motion.
2. Pursuant to Rules 7007-1(d) and (e) of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Local Rules”), the Brief is being filed contemporaneously with this Response and is incorporated by reference.

PRAYER

WHEREFORE, Highland respectfully requests that the Court (i) deny the Motion, and (ii) grant such other and further relief as the Court deems just and proper.

¹ Acis Capital Management, L.P. and Acis Capital Management GP, LLC (collectively, “Acis”) filed the Motion on December 13, 2022. Later that same day, Acis filed its *Motion to Compel Compliance with Subpoena* [Docket No. 90] (the “Subsequent Motion”). Other than attaching the exhibits to the *Appendix in Support of Acis’ Motion to Compel Compliance with Subpoena* [Docket No. 90-2] included with the Subsequent Motion, the Motion and Subsequent Motion appear identical in substance. Ostensibly, the Subsequent Motion supersedes the Motion, but there is no clear indication in the Subsequent Motion stating as much. Accordingly, out of an abundance of caution, Highland is filing this Response to preserve its objections to the relief requested in the Motion should there be any contention that the Motion remains a live request for relief.

Dated: January 13, 2023

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717) (*pro hac vice*)
John A. Morris (NY Bar No. 2405397) (*pro hac vice*)
Gregory V. Demo (NY Bar No. 5371992) (*pro hac vice*)
Hayley R. Winograd (NY Bar No. 5612569) (*pro hac vice*)
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Zachery Z. Annable
Melissa S. Hayward (Texas Bar No. 24044908)
Zachery Z. Annable (Texas Bar No. 24053075)
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110
Email: MHayward@HaywardFirm.com
ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.